



**CHANGES TO CM/ECF
VERSION 3.3.1 UPGRADE**

**Certificates of Service, Agreed Orders, Corrected Matrices,
Corrective Entry Reminders**



CM/ECF Upgrade

The Court will upgrade to CM/ECF version 3.3.1 on Saturday, February 28, 2009. The CM/ECF system will be unavailable for filing from 9:00 AM to 5:00 PM. Due to technical difficulties the upgrade may require additional time. Please check the website for additional details on Saturday.

The upgrade to CM/ECF version 3.3.1 will include the following changes:

- Involuntary Case Opening: Case opening for involuntary cases will no longer require the entry of assets and liabilities or the number of creditors. This information will be added when the schedules are filed.
- Docket Activity Report: The name of the event is displayed for filed documents when the full docket text radio button is selected.
- Docket Activity Report: The Docket Activity Report can be selected to run for open and closed cases. To run the report on both open and closed cases, leave the type of case unselected.
- Query: Queries can now be selected for open or closed cases. To run the query on both open and closed cases, leave the type of case unselected.
- Query: When a query is requested on associated cases, a notation indicates if the associated case is closed.

- PACER Free Look Message: The notation that a document may be reviewed without incurring a PACER fee has been removed from the Document Selection Menu of expired Notices of Electronic Filing. When the free look has expired, so has the notation.
- Interim Fee Applications: If no fee or expense is entered, the professional type field may be left blank. However, if the fee and/or expense are entered, a professional type is required.
- Notices of Electronic Filing: Notices of Electronic Filing (NEF's) will now display the party being represented and the attorney email address.
- Associated Cases: The lead case number displayed on the docket of a case that has been consolidated is now a hyperlink to the lead case.
- US Trustee Data Collection: Due to requirements of BAPCPA, new screens have been added to assist the Executive Office of the U.S. Trustee (EOUST) in compiling statistical information from individual consumer debtors. In Chapter 7 cases, case opening information screens will collect data in 4 new fields from schedules and 38 fields from the Form 22A Means Test. This data is available on a Chapter 7 debtor's completed schedules and Means Test. (An example of this screen appears at the end of this ECFiler and is designated Exhibit A.) If an attorney uses bankruptcy preparation software, these fields should be completed automatically. If an attorney does not use bankruptcy preparation software, the information can be manually entered on the EOUST Data Collection screen from the schedules and means test. In a Chapter 11 case, five new data fields must be completed. In Chapter 12 and 13 cases, four new data fields must be completed. The statistical information is not REQUIRED to be reported until March 9, 2009. The Court is aware that bankruptcy preparation software may not report the information until March 9.
- Reports of No Distribution: Trustees will have new events for filing Reports of No Distribution: No assets; Dismissed or Converted with No Assets; Dismissed or Converted with Assets; Minimal Funds Collected. The docket text for these events has changed. The docket text for Reports of No Distribution and 341 Meeting Held have been combined into one docket entry. A copy of the new docket text is attached as Exhibit B.

- Joint Debtor Dispositions: With Version 3.3.1, joint debtors can have different dispositions and/or different disposition dates in the same bankruptcy proceeding. The disposition information for each debtor will appear at the top of the docket sheet and on the Case Summary Query.
- Calendar Events Report: The report contains a new option for sorting information. The report may be run by Hearing Judge, by Case Judge, or by Hearing or Case judge. (This function may not be of great importance in the Western District Bankruptcy Court.)
- Deadline/Hearing Report: The report contains a new option for sorting information. The report may be run by Hearing Judge, by Case Judge, or by Hearing or Case judge. (This function may not be of great importance in the Western District Bankruptcy Court.)
- Report of Debtor Audit: A new form has been adopted for this report.

If you use bankruptcy preparation software and have not installed the latest update of the software, you should plan to install the updates on or before February 28, 2009.



Certificates of Service

Local Court Rule 9007 (d) provides that “every certificate of service must include:

- (1) The names and addresses of all persons and entities served;
- (2) The date service was made;
- (3) The manner in which service was made; and,
- (4) The signature of the person making the certificate, his or her typed name, address, telephone number, and if an attorney, state bar number. **It is not sufficient to state that service was made on ‘all parties in interest,’ ‘all interested parties,’ or the like.”**

Service may be made electronically under the conditions stated in FRCP 5(b)(2)(E) and (3), made applicable by FRBP 7005.

Certificates of service that state service was accomplished using the Court’s electronic noticing system (or any combination of words to that

effect) without providing all required information, **ARE NOT PERMITTED UNDER THIS RULE.** Using this type of certificate of service violates Local Court Rule 9007 (d). If a party relies on the Court's ECF system for transmittal, the parties receiving electronic notice must be listed.

For example, the following Certificate of Service violates Local Rule 9007 (d):

This is to certify that on the 25th day of February 2009, a copy of the foregoing instrument was filed through the ECF System for electronic transmittal to all registered participants.

The following Certificate of Service complies with Local Rule 9007 (d):

I hereby certify that on this 25th day of January, 2009, a true and correct copy of the Motion to Lift Stay was electronically served using the CM/ECF system, namely: Jane Doe, Trustee, and Attorney John Smith.

Further, I certify that on the 25th day of January, 2009 copies of the Motion to Lift Stay were forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the following at the addresses shown below:

Applied Group Inc, 4615 E Arizona St, Phoenix, AZ 85040

Associated Bank, PO Box 1919, Wilmington, MD 19850

Atlas Recovery Systems, PO Box 2020, Escondido, CA 92046

Beginning **March 1, 2009**, Corrective Entries will be docketed on insufficient Certificates of Service. If corrections are not made within seventy-two (72) hours of the request for the corrections, insufficient Certificates of Service will be stricken.

The Notice of Electronic Filing (NEF) reflects how a document was handled by CM/ECF. The NEF can be accessed by clicking the silver bullet next to a Docket Entry. After clicking the silver bullet, select the receipt type desired. Then, select the Display Receipt button. The next screen displays users who received an NEF and parties that did not receive an NEF.



Agreed Orders

To inform the Court that a motion is agreed and that payment of any filing fee is exempted, an agreed motion must be signed, either

personally or electronically, by all agreeing parties; or, a proposed order signed by all agreeing parties must be filed as an attachment to the agreed motion. If the motion does not reflect agreement on its face by the inclusion of all required signatures, necessary filing fees must be paid.



Corrected Creditor Matrices

If the address of a creditor must be corrected, use the following procedures:

1. Go to Bankruptcy > Other > Corrected Matrix
2. Enter the case number
3. Select Corrected Matrix
4. Verify that the case information is correct
5. Select the party that the attorney represents
6. Browse for the correct PDF and attach it (This may be a BNC Bypass Notice or other official notification from the U.S. Postal System.)
7. A Prompt appears: When this transaction is completed, remember to enter the corrected address in Bankruptcy > Creditor Maintenance and correct the address of individual creditors
8. Enter any information into the text in box, if appropriate
9. Verify that the docket text is correct. If not, abort and begin again or use the back button to correct errors
10. Submit the transaction.
11. Return to Bankruptcy > Claims & Creditors > Creditor Maintenance
12. Select Enter individual creditors
13. Verify the case number
14. Type the Name and Address of the creditor in the text box
15. Submit the transaction

No filing fees are assessed for correcting the address of a previously listed creditor. However, to add a creditor to the matrix requires the payment of a filing fee of \$26.00.



Court Closing

In late January, the Bankruptcy Court was closed due to an ice storm. If you must inquire about the closing of the Court, you may check the Federal Court's Emergency phone line by dialing (405) 609-5001.



Corrective Entry Reminders

To AVOID having corrective entries docketed in your cases, remember to read and observe the following suggestions:

1. Electronically submitted orders, or **E-Orders**, **MUST** have a **four (4) inch margin at the top** for inclusion of the signature of the judge. Orders having less than a four-inch margin will be returned and will not be docketed.
2. Pursuant to an attorney's electronic filing agreement with the Bankruptcy Court, the **attorney's login and signature** on a filing **MUST MATCH**. Attorneys may not electronically file or upload an E-Order for another attorney. An attorney's electronic filing privileges may be revoked or suspended for violating this restriction.
3. An individual filing with **primarily business debts** is required to file a Statement of Monthly Income/Mean Test.
4. When opening a new **adversary** proceeding, **DO NOT add** the name and address for an attorney for the defendant. A defendant may or may not employ the same attorney in every case. The Court will enter this information when a response or an entry of appearance is filed.
5. When an **Amended Matrix** is filed, only the **new creditors** should be included on the matrix. The new creditors also **MUST** be uploaded to CM/ECF as a .txt file.

Exhibit A

Bankruptcy ▾ Adversary ▾ Query Reports ▾ Utilities ▾ Search Logout	
Open New Voluntary Bankruptcy Case	
Schedules	
Schedule C: Total value of claimed exemptions	<input style="width: 150px;" type="text"/>
Schedule I line 1: Monthly gross wages, salary, and commission	Debtor <input style="width: 80px;" type="text"/> Spouse <input style="width: 80px;" type="text"/>
Schedule I line 5: Subtotal of payroll deductions	Debtor <input style="width: 80px;" type="text"/> Spouse <input style="width: 80px;" type="text"/>
Schedule J line 20c: Monthly net income	<input style="width: 100px;" type="text"/>
Form B22A	
Line 1A: Veteran's declaration	<input type="checkbox"/>
Line 1B: Declaration of non-consumer debts	<input type="checkbox"/>
Line 2: Marital/filing status	<div style="border: 1px solid #ccc; width: 100%; height: 1.2em; background-color: #fff; position: relative;"> ▼ </div>
Line 11: Subtotal of current monthly income	Debtor <input style="width: 80px;" type="text"/> Spouse <input style="width: 80px;" type="text"/>
Line 14B: Debtor's household size	<input style="width: 40px;" type="text"/>
Line 14: Applicable median family income	<input style="width: 100px;" type="text"/>
Line 18: Current monthly income	<input style="width: 100px;" type="text"/>
Line 19A: National standards: food, clothing and other items	<input style="width: 100px;" type="text"/>
Line 19B c1: Household members under 65 years of age	<input style="width: 40px;" type="text"/>
Line 19B c2: Household members over 65 years of age	<input style="width: 40px;" type="text"/>
Line 20A: Local standards: housing and utilities; non-mortgage expenses	<input style="width: 100px;" type="text"/>
Line 20B: Local standards: housing and utilities; mortgage/rent expenses	<input style="width: 100px;" type="text"/>
Line 22A: Local standards: transportation: vehicle operation/public transportation expense	Number of vehicles used <div style="border: 1px solid #ccc; width: 40px; height: 1.2em; position: relative;"> ▼ </div> Amount <input style="width: 80px;" type="text"/>
Line 22B: Local standards: transportation: additional public transportation expense	<input style="width: 100px;" type="text"/>
Line 23: Local standards: transportation ownership/lease expense	Number of vehicles owned <div style="border: 1px solid #ccc; width: 40px; height: 1.2em; position: relative;"> ▼ </div>
Line 24: Local standards: transportation ownership/lease expense	Vehicle 1 <input style="width: 80px;" type="text"/> Vehicle 2 <input style="width: 80px;" type="text"/>
Line 33: Total expenses allowed under IRS standards	<input style="width: 100px;" type="text"/>
Line 38: Education expenses for dependent children under 18	<input style="width: 100px;" type="text"/>
Line 39: Additional food and clothing expense	<input style="width: 100px;" type="text"/>
Line 41: Total additional expense deductions	<input style="width: 100px;" type="text"/>
Line 46: Total deductions for debt payment	<input style="width: 100px;" type="text"/>
Line 47: Total of all deductions allowed	<input style="width: 100px;" type="text"/>
Line 50: Monthly disposable income	<input style="width: 100px;" type="text"/>
Line 51: 60-month disposable income	<input style="width: 100px;" type="text"/>
Line 52: Initial presumption determination	<div style="border: 1px solid #ccc; width: 100%; height: 1.2em; background-color: #fff; position: relative;"> ▼ </div>
Line 53: Total non-priority unsecured debt	<input style="width: 100px;" type="text"/>
Line 54: Threshold debt payment amount	<input style="width: 100px;" type="text"/>
Line 55: Secondary presumption determination	<div style="border: 1px solid #ccc; width: 100%; height: 1.2em; background-color: #fff; position: relative;"> ▼ </div>
<input type="button" value="Next"/> <input type="button" value="Clear"/>	

CM/ECF Version 3.3.1 Chapter 7 EOUST Data Collection Screen

Exhibit B

Chapter 7 Trustee's Report of No Distribution: I, Julian Mayfair, having been appointed trustee of the estate of the above-named debtor(s), report that this case was dismissed, converted, or reassigned. I collected funds totaling: \$1200.00. All funds have been returned or transferred to the successor trustee. All bank statements and canceled checks, if any, have been submitted to the United States Trustee. The bank statements reflect a final zero balance and no other funds or assets of the estate remain in my custody. Pursuant to Fed R Bank P 5009, I hereby certify that the chapter 7 estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee.

Section 341 Meeting held on November 13, 2008. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 1 months. Assets Abandoned: Not Applicable, Assets Exempt: Not Applicable, Claims Scheduled: Not Applicable, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment: Not Applicable. (Mayfair, Julian) (Entered: 12/16/2008)

New Docket Text for Reports of No Distribution